

Attorney's Docket No.: Camouflage/TL/SCH

Initially, Applicants make no claim to be the first one who ever described the concept of using a laser to change the look of material. However, Applicants are in fact the first ones to describe certain enumerated special techniques which are described and claimed herein. The rejection which currently exists in the case ignores certain claim limitations, and attempts to work backwards based on the claims in order to find the present claims unpatentable. In fact, however, certain important limitations of the claims are not taught or suggested by the cited prior art.

Specifically, claim 1 defines a camouflage pattern. A camouflage pattern is difficult to describe in words, but easy to recognize. The word camouflage has a sort of 'I know it when I see it', connotation. Specifically, Figure 1 shows a pattern that most people would recognize to be such a camouflage pattern.

The use of camouflage patterns are certainly known. In fact, many different items of fabric including clothing and the like, have been formed with camouflage patterns. However, these patterns were typically formed using silkscreening or another pattern. What is new in the present specification, and what is not taught or suggested by the cited prior art, is forming a file indicative of a camouflage pattern and using that file to control a laser to form the camouflage pattern on the textile material. Again, the prior art has taught forming camouflage patterns by various printing and painting techniques. The prior art has not taught forming a camouflage pattern using a laser as now claimed. Claim 1 was rejected based on either Lockman or Costin '461. Notably, however, nothing anywhere in the prior art teaches anything about a camouflage pattern. In fact, the formation of a camouflage pattern is the important feature of the present specification, and one which was not found anywhere in the prior art. Lockman

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teaches forming a graphic pattern based on an output file. Nowhere does Lockman teach or suggest forming a camouflage pattern. Claim 2 specifies forming a unique output file which is unique for the single application to the textile material. Lockman never teaches forming a unique output file.

Costin '461 teaches a way of forming a pseudorandom or noisy pattern on denim or the like. As part of forming that pattern, a probability matrix is used to simulate a random pattern. The probability matrix indicates a probability that the laser will mark at any specified location. Nowhere is there any teaching or suggestion of a camouflage pattern, nor that the output file indicative of the camouflage pattern is unique for a single application to the textile material. Therefore, claims 1 and 2 should be allowable along with the claims which depend therefrom.

Claim 13 was similarly rejected based on Lockman or Costin. Claim 13 has been amended to include the limitations of claims 14 and 17. Claim 17 was not rejected over any art in the case. The only rejection was based on obviousness-type double patenting, and this rejection is discussed herein. Since claim 17 was not rejected over any of the art in the case, this claim should presumably be allowable.

Finally, turning to the rejection based on double patenting, the remaining claims stand rejected based on double patenting over certain enumerated claims of U.S. Patent No. 5,990,444. This contention is respectfully traversed. An important feature of the present invention is that the pattern described is a camouflage pattern. Nowhere does the prior art teach or suggests such a camouflage pattern being used. In fact, that much is admitted on page 2. The use of a camouflage pattern is certainly not obvious based on the prior art, and therefore these claims are completely allowable thereover.

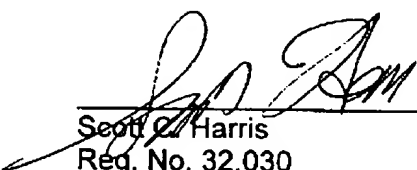
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The rejection of claim 17 is even further traversed. Claim 17 defines that the laser power varies within the scanning line. This enables new effects which were not possible in the prior art. Nowhere does the prior art teach, suggest or in any way allude to using multiple laser powers within the single laser scanning line. This is completely new as compared with the prior patent. This also enables totally new effects that were not suggested by the prior art, and hence this certainly does not represent obviousness-type double patenting.

In view of the above the amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

If there are any other charges, or any credits, please apply them to Deposit Account No. 50-1387.

Respectfully submitted,

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Scott C. Harris
Reg. No. 32,030

Customer No. 23844
Scott C. Harris, Esq.
P.O. Box 927649
San Diego, CA 92192
Telephone: (619) 823-7778
Facsimile: (858) 678-5082

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MARKED UP VERSION OF CHANGES

13. (Amended) A method, comprising:

defining a unique shape and producing an output file indicative thereof, said

unique shape being unique to a single output file; and

using said output file to control a laser to produce said unique shape on a textile material to produce a unique textile material,

wherein said unique shape includes a plurality of areas, each of the plurality of areas being defined by a different color, and each color associated with a different laser power,

wherein said output file is a file that instructs said laser to scribe lines on the fabric, wherein at least one of said lines has a power that varies within the line.

15. (Amended) A method as in claim [14] 13, wherein said laser power is an energy density per unit time.

16. (Amended) A method as in claim [14] 13 wherein said laser power is a duty cycle.

18. (Amended) A method as in claim [14] 13, wherein there are ten different colors.

27. (Amended) A method as in claim 26, further comprising assigning each of said power levels to a color on [the] a user interface.